

Message Text

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ACTION AF-06

INFO OCT-01 EUR-12 IO-10 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 /080 W

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R 291134Z AUG 75

FM AMEMBASSY LAGOS

TO SECSTATE WASHDC 940

INFO AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY NAIROBI

USMISSION USUN NEW YORK

AMCONSUL IBADAN

AMCONSUL KADUNA

C O N F I D E N T I A L LAGOS 8428

E. O. 11652: GDS

TAGS: PGOV, PORG, ICJ, NI

SUBJ: FMG REPORTEDLY PROPOSING FORMER NIGERIAN CHIEF
JUSTICE ELIAS AS CANDIDATE FOR AFRICAN ICJ SEAT

REF : LAGOS 8161 (NOTAL)

1. SUMMARY: ACCORDING RECENTLY RETIRED NIGERIAN CHIEF JUSTICE ELIAS, HIS REMOVAL WAS NOT SUPPORTED BY MAJORITY OF SUPREME MILITARY COUNCIL AND IS REGRETTEED BY COUNTRY'S NEW LEADERSHIP. IN EFFORT MAKE AMENDS, FMG ATTEMPTING NOMINATE HIM FOR SEAT ON ICJ BEING VACATED BY NIGERIA. EMBASSY BELIEVES ELIAS WOULD BE A GOOD CHOICE. IN TALK WITH CHARGE, ELIAS EXPRESSED BELIEF PURGE OF CIVIL SERVICE AND JUDICIARY (SEPTEL) WOULD CONTINUE AND THAT MILITARY INTENDS REMAIN IN INDEFINITE CONTROL GOVERNMENT. END SUMMARY

2. CHARGE CALLED ON FORMER CHIEF JUSTICE TASLIM O. ELIAS AUGUST 27 TO EXPRESS REGRET AT HIS RECENT "RETIREMENT". ELIAS WAS GRATEFUL AND REASSURED CHARGE THAT HEALTH HAD
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NOTHING TO DO WITH HIS REMOVAL. HE SAID A "SMALL CAUCUS"

COMPOSED OF PERSONS (UNIDENTIFIED) IN AND OUTSIDE THE CURRENT GOVERNMENT WAS CALLING THE SHOTS IN FMG AND HAD INCLUDED HIS NAME AMONG THOSE TO BE SACKED. WHEN OTHER MEMBERS OF SUPREME MILITARY COUNCIL LEARNED OF THIS, A MAJORITY OF THEM, INCLUDING SEVERAL KEY NORTHERNERS, OBJECTED STRONGLY. WAS DECIDED TO RESCIND THE OUSTER, BUT AT THAT POINT ANNOUNCEMENT OF IT APPEARED IN THE DAILY TIMES; FMG WAS EMBARRASSED TO RECALL PUBLICLY, AND THEREFORE TRIED TO EXCUSE IT BY ALLEGING ELIAS' ILL HEALTH.

3. EMBARRASSMENT GREW AS HUNDREDS OF FRIENDS AND WELL WISHERS (200 TO 300 A DAY") DESCENDED ON ELIAS' RESIDENCE TO EXPRESS SHOCK, DISAPPROVAL AND CONCERN. FMG, SEARCHING FOR WAY OF AMELIORATING SITUATION, HAS COMMUNICATED WITH SECRETARIAT OF INTERNATIONAL COURT OF JUSTICE, PROPOSING ELIAS AS NIGERIAN CANDIDATE FOR UPCOMING ELECTION FOR AFRICAN SEAT ON COURT. ELIAS TOLD CHARGE THAT GENERAL GOWON HAD "OFFERED" HIM THE ICJ SEAT IN THE SPRING BUT ELIAS DECLINED, BELIEVING HE COULD SERVE NIGERIA BETTER AT HOME. NOW, HOWEVER, WITH CHANGED CIRCUMSTANCES, HE IS VERY MUCH INTERESTED IN ICJ CANDIDACY. ELIAS RECOGNIZES IT IS LATE FOR HIS CANDIDACY TO BE PROPOSED; NOMINATIONS WERE SUPPOSED TO BE MADE IN JUNE FOR THE ELECTION THIS FALL. IN ANY EVENT, HE WOULD BE MOST GRATEFUL IF U.S.G. COULD EXPRESS AN INTEREST IN HIS CANDIDACY OR LEND ITS SUPPORT IN ANY WAY.

4. RE POLITICAL MATTERS, ELIAS SAID HE EXPECTS THERE WILL BE NUMEROUS ADDITIONAL OFFICIALS REMOVED IN THE JUDICIARY AND CIVIL SERVICE. HE EXPRESSED CONVICTION THAT CURRENT MUHAMMED GOVERNMENT INTENDS TO RETAIN POWER FOR INDEFINITE PERIOD. HE SAID REGIME PLANS TO MAKE TOKEN GESTURES IN DIRECTION OF MOVE TOWARD CIVILIAN RULE BUT ARRANGEMENTS (POSSIBLY FORMATION OF REPRESENTATIVE COUNCILS PROPOSED EARLIER BY GENERAL GOWON) WOULD BE INTENDED TO CARRY ON FOR SOME YEARS WITHOUT SIGNIFICANT SHIFT IN ACTUAL POWER RELATIONSHIPS. ELIAS BELIEVES CHIEF OF STAFF SUPREME HEADQUARTERS BRIGADIER OBASANJO IS A MEMBER OF THE SMALL LEADERSHIP "CAUCUS" AND MAY BE THE CONTACT WITH CAUCUS MEMBERS OUTSIDE THE CONFIDENTIAL

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GOVERNMENT, BUT HE SUSPECTS OBASANJO IS BEING USED AS SPOKESMAN BY OTHERS MORE POWERFUL THAN HIMSELF. ELIAS OBSERVED THAT OBASANJO'S PARTICIPATION IN THE COUP WAS ENCOURAGED BY HIS RESENTMENT OVER DRESSING-DOWN GOWON HAD GIVEN HIM FOR HIS MISHANDLING OF THE EMBASSY ANNEX MATTER.

5. COMMENT: EMBASSY RECOGNIZES IT IS NOT IN POSITION TO EVALUATE RELATIVE MERITS OF VARIOUS CANDIDATES (KENYAN

HIGH COMMISSION HAS CIRCULATED NOTE REQUESTING SUPPORT FOR JUSTICE WAIYAKI) FOR SEAT ON ICJ CURRENTLY HELD BY NIGERIA BUT WOULD SIMPLY NOTE: (A) JUSTICE ELIAS IS MAN OF STATURE, HIGHLY RESPECTED IN INTERNATIONAL CIRCLES, RECENTLY NAMED A MEMBER OF THE ELITE INTERNATIONAL COMMISSION OF JURISTS; (B) TRAINED IN THE UK, ELIAS WAS INITIALLY COOL TO THE U.S. BUT HAS ESTABLISHED EXTENSIVE CONTACTS WITH U.S. JURISTS AND HAS BECOME KEENLY INTERESTED IN U.S. LEGAL SYSTEM, WHICH HE BELIEVES HAS MUCH TO OFFER NIGERIA. ELIAS HAS ENCOURAGED USE OF U.S. LAW TEXTS IN NIGERIA AND HAS SPONSORED TRAINING OF NIGERIAN LAW LIBRARIANS IN THE U.S. HE IS INTERESTED IN FEDERALISM AND HAS BEEN LOOKING TO THE U.S. CONSTITUTION FOR IDEAS THAT MIGHT BE INCORPORATED IN A NEW CONSTITUTION FOR NIGERIA. (C) U.S. SUPPORT FOR ELIAS' NOMINATION TO ICJ WOULD HELP FMG SALVAGE ITS HANDLING OF ELIAS "RETIREMENT" AND SHOULD THEREFORE BE APPRECIATED BY NEW LEADERSHIP.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY GOVERNMENT, PERSONNEL APPOINTMENTS, JUDGES, PERSONNEL MOVEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: buchantr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975LAGOS08428
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750300-0822
From: LAGOS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975086/aaaaaemp.tel
Line Count: 133
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 LAGOS 8161
Review Action: RELEASED, APPROVED
Review Authority: buchantr
Review Comment: n/a
Review Content Flags:
Review Date: 11 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 JUN 2003 by KelleyW0>; APPROVED <16 OCT 2003 by buchantr>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FMG REPORTEDLY PROPOSING FORMER NIGERIAN CHIEF JUSTICE ELIAS AS CANDIDATE FOR AFRICAN ICJ SEAT
TAGS: PGOV, PORG, NI, ICJ, (ELIAS, TASLIM O)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006